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UNITED STATES BANKRUPTCY COURT  
DISTRICT OF PUERTO RICO

IN RE:

**SURGIFIX INC.**

Debtor

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**NOREEN WISCOVITCH RENTAS, TRUSTEE**

Plaintiff,

v.

**GRUPO HIMA SAN PABLO**

Defendants

Case No. 15-05227(BKT)

Chapter 7

Adv. Proc. No.: 19-00372 (BKT)

**MOTION TO COMPEL**

TO THE HONORABLE COURT:

By counsel, the duly appointed and acting Chapter 7 trustee of the bankruptcy estate of SURGIFIX INC., Noreen Wiscovitch-Rentas, most respectfully states and prays:

1. On December 11<sup>th</sup>, 2019, the First Set of Interrogatories, Request for Admissions and Production of Documents were sent to Defendants attorney.
2. The time to answer the First Set of Interrogatories, Request for Admissions and Production of Documents was due on January 11<sup>th</sup>, 2020.
3. We received no answers.
4. Due to the fact that Puerto Rico was suffering the aftermath of the earthquakes we waited extra days to communicate with attorney for Defendants and file a motion requesting to deem admitted the Request of Admissions. (*Dkt.16*)
5. On January 29<sup>th</sup>, 2020, an email was sent to attorney for Defendants regarding said discovery.
6. Again, we received no answer.

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7. The discovery period was to end on January 31<sup>st</sup>, 2020.
8. An Order was entered that the parties were to state the status of this proceeding to the court before February 7<sup>th</sup>, 2020<sup>1</sup>.
9. Instead, Defendants filed a Motion Requesting Summary Judgment. (*Dkt.15*)
10. Defendants have failed to answer the First Set of Interrogatories, Request for Admissions and Production of Documents and communications regarding the same.
11. Therefore, we request from this Honorable Court enters an Order to Compel against the Defendants Grupo HIMA San Pablo, stating that they failed to comply with the discovery by providing answers to the Interrogatories, Request for Admissions and Production of Documents and compel them to answer.

**WHEREFORE**, it is respectfully prayed for the Court enters an Order to Compel against the Defendants Grupo HIMA San Pablo, stating that they failed to comply with the discovery by providing answers to the Interrogatories, Request for Admissions and Production of Documents and compel them to answer.

**CERTIFICATE OF SERVICE:** I HEREBY CERTIFY that on this same date, I electronically filed the foregoing with the clerk of the Court using the CM/ ECF system, which will automatically send notification of such filing to all CM/ECF participants including the US Trustee.

**RESPECTFULLY SUBMITTED**

In San Juan, Puerto Rico, this 7<sup>th</sup> day of February of 2020.

*/s/ Rafael A. González Valiente*  
**USDC No. 225209**  
**GODREAU & GONZALEZ LAW**  
**PO Box 9024176**  
**San Juan, PR 00902-4176**  
**Tel. (787)726-0077**  
**E-mail: rgv@g-lawpr.com**

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<sup>1</sup> February 7<sup>th</sup>, 2020, the parties had to inform this Honorable Court in which way they were going to proceed regarding the instant complaint.